

EXHIBIT

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A court authorized this notice. This is not a solicitation from a lawyer.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
Pittsburgh Division**

**R. CATHY REARDON , *on behalf of
themselves and all similarly situated individuals,***

Plaintiffs,

CASE NO. 2:08cv01730

CLOSETMAID CORPORATION,

Defendant.

SUPPLEMENTAL NOTICE OF CLASS ACTION LAWSUIT

Your have received this notice because Closetmaid Corporation obtained your consumer report (background check) for an employment purpose between December 19, 2003 and the present. A class action lawsuit may affect your rights. This Supplemental Notice provides further information regarding the pending lawsuit

- The Plaintiffs in this lawsuit have alleged that Closetmaid violated the federal Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.*, for two reasons: (a.) by failing to provide a proper legal disclosure informing an applicant that his or her background check would be used, and (b.) by failing to provide the applicant a copy of the background check and a disclosure of rights before it made a negative employment decision against the applicant.
- The Court has allowed the lawsuit to be pursued as a class action on behalf of two groups of persons. The first group (the "Disclosure Class") includes everyone about whom Closetmaid obtained and used an employment consumer report during the class period and did not provide the standalone disclosure required by the FCRA.

- The second group (the “Pre Adverse Action Sub-Class”) includes all of those persons in the Disclosure Class against whom Closetmaid then took an adverse employment action (e.g. terminated employment or failed to hire) without providing a FCRA notice and copy of the background check before taking that adverse action.
- Closetmaid’s records identify you as a member of the Pre Adverse Action Sub-Class.
- On December 2, 2013, the Court issued a new Order and Decision on Summary Judgment. The Court ruled that those members of the Pre Adverse Action Sub-Class who did not experience an “adverse action” do not have a Pre-Adverse Action claim under the FCRA, and therefore, the claims of these persons have been dismissed by the Court. This group includes those persons who, for example, were not hired because they declined an offer of employment or failed to appear for an interview. The Court also ruled that those persons who received Pre-Adverse Action Notices, except for Representative Plaintiff Reardon also do not have a claim and cannot proceed to trial.
- The Court further ruled that a remaining group of 55 persons identified from ClosetMaid’s records in the Pre-Adverse Action Sub-class are entitled to go to trial on their claims.
- **Please be advised that Representative Plaintiffs will not be seeking to recover actual damages at trial. Instead, Plaintiffs have determined that they will seek or try to prove are seeking only statutory damages between \$100 and \$1,000, plus punitive damages in an amount still to be determined by the jury or the Court.**
- **If you believe that you have a basis for recovering actual damages you should consider excluding yourself by signing and returning the attached exclusion request. If you ask to be excluded and then money or benefits are later awarded, you won't share in those. But, you keep any rights to sue Closetmaid separately about the same legal claims in this lawsuit that you otherwise would have had.**
- The Court has not decided whether Closetmaid did anything wrong. There is no money available now, and there is no guarantee that there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you may get money or benefits that may possibly come from a trial or a settlement. But, you give up any rights to sue Closetmaid separately about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from it. Keep your rights. If you ask to be excluded and then money or benefits are later awarded, you won't share in those. But, you keep any rights to sue Closetmaid separately about the same legal claims in this lawsuit that you otherwise would have had.

- Your options are explained in this notice. To ask to be excluded, you must act before **December 30, 2013**. An Exclusion Request form is enclosed for your convenience.
- Lawyers must prove the claims against Closetmaid at a trial set to start **January 6, 2014**. If any money or benefits are obtained from Closetmaid, you will be notified about how to ask for a share.

If you have any further questions, you may contact:

James M. Pietz, Pietz Law Office, LLC., , 429 Forbes Avenue, Suite 1710, Allegheny Building, Pittsburgh, PA 15219. jpietz@jpietzlawn.com phone: 412-288-4333

DATE:

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION**

R. CATHY REARDON)	
On behalf of herself and all)	
similarly situated individuals,)	
)	
Plaintiffs,)	NO. 2:08cv1730
v.)	
CLOSETMAID CORPORATION)	
)	
)	Class Action
)	
Defendants		

EXCLUSION REQUEST

I have received the Supplemental Notice of Class Action Lawsuit dated December , 2013 concerning the above captioned case.

I do not want to be included in this class action. Please exclude the undersigned from the class action settlement.

Name

Address

Date

IMPORTANT: THIS FORM IS TO BE SIGNED AND MAILED ONLY IF YOU DESIRE TO BE EXCLUDED FROM THE ABOVE CLASS ACTION LAWSUIT.

Return this form on or before December 30, 2013 **ONLY** if you do NOT want to be included as a class member in this lawsuit to both:

James M. Pietz, Pietz Law Office, LLC., , 429 Forbes Avenue, Suite 1710, Allegheny Building, Pittsburgh, PA 15219. jpietz@jpietzlaw.com

W. Scott Hardy, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 444 Liberty Avenue Suite 400 Pittsburgh, PA 15222-1237. scott.hardy@ogletreedeakins.com

By returning this form you will not participate in any recovery in this case.